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THE STATE AND CIVIL SOCIETY IN AFRICA: A NORTH AFRICAN PERSPECTIVE

Hamdy Abdel Rahman Hassan*

Abstract

The concept of civil society is one of the most controversial in cultural and political circles in both of the Arab and African Worlds. Yet, it did not receive the appropriate attention of both its advocates and its detractors, who consider it to be the product of an alien civilization. Furthermore, the concept of civil Society was misused for political purposes, as, for example, some North African States reverted to it in order to exclude the formations of political Islam. On the other hand, Arab movements of opposition and political dissent, resort to the same concept to entrench themselves against state oppression and authoritarianism. Thus this study is based on the premise that the existence of a real Civil Society, independent of both State and Family, and based on the concepts of civilization and tolerance, will lead to full integration on all national, regional and continental levels.

Key words: civil society / North African Sates / Social Movements

Introduction

The concept of civil society is one of the most controversial in cultural and political circles in both of the Arab and African Worlds. Yet, it did not receive the appropriate attention of both its advocates and its detractors, who consider it to be the product of an alien civilization. Furthermore, the concept of civil Society was misused for political purposes, as, for example, some North African States reverted to it in order to exclude the formations of political Islam. On the other hand, Arab movements of opposition and political dissent, resort to

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the same concept to entrench themselves against state oppression and authoritarianism.

This controversial use of the concept of civil society was no doubt at the root of the failure to develop the effective political thinking capable of leading a successful Arab and African renaissance¹. In this context, and before we proceed to study the role of civil society, and its interactions on regional integration in Africa, we would point out to some important remarks:

First: A study of the evolution of the concept of civil society indicates that it was conceived in a given historical and social context, and has always developed within its social and ideological framework. At its inception in the 17th and 18th centuries, the concept of civil society in Europe was closely knit with the concept of Law and Social Contract. Politics were removed from the realm of religion and traditions, to that of the social, and this lies at the root of Political Modernity according to Borhan Ghallion.²

Political thinking in the 19th century, gives the concept of civil society, yet another function as with Hegel and Marx, but it was the Italian Antonio Gramsci (1891-1937), who had the greatest impact on this concept. For him, Civil Society is the aggregate of the super structures such as the trade unions, associations, political parties, the media and churches.³

The concept of civil society today is based on Gramsci's definition after shedding his Marxist connotations. The concept of civil society today only retains those private social organizations and institutions that aim, along side the State, at the organization of society.

Second: The attitude of some researchers who reject the concept of civil society as being alien to our society, reminds us of Mr. Jordan in Moliere's well known comedy the Bourgeois Gentil Homme, who was greatly amused when his teacher told him that language was

¹ As an example of this ideological divergence about the concept of civil society in the African North, see: AL-GANHANI, Habib, and ABDEL FATTAH, Seif Ed-Dine (2003), *Civil Society and its Ideological Dimensions*, (in Arabic), Damascus, Dar Al-Fikr.

² GHALION, Borhan (2003), *Creation and Development of the Concept of Civil Society, from Abstract Concept to an International Social System*, A Lecture (in Arabic) delivered in a Seminar on Arab Civil Society and Democracy, Qatar University, 14-17 May.

³ For more details about the historical use of the concept of Civil Society, see: KEANE, John, (1988), *Democracy and Civil Society*, New York. Also, AL-ALAWI, Said Bin Said (1992), *Emergence and Development of the Concept of Civil Society in the Arab Homeland, and its Role in Implementing Democracy*, (in Arabic), Beirut, Arab Unity Research Center, pp. 41-65.

divided into poetry and prose, and that what was not poetry was prose, and he realized that all his life he had been unknowingly speaking in prose. This is exactly our own experience with all “non governmental”, vocational, social, cultural, or even political associations and organizations, and that, even before Western colonization of our Countries.⁴

There is no doubt that the embryonic beginnings of Civil Society lie deep in the history of the African North. Islamic Arab cities exhibited from the beginning a degree of equilibrium between the institutions of the State represented by the Ruler, the Judge and the Tax Collector, and those of civil society represented by the corporations of merchants, and handicrafts, and the religious. The institution of Waqf “Endowment” stands, in Islamic history as a symbol of the immunity of civil society in confrontation with the authority of the State. In contrast, the traditional political regimes in African societies, give a prominent role to popular participation in decision-making. Some of these societies resort to consensual mechanisms of mass participation in important decisions, such as in the case of Bantu Communities in Southern Africa.⁵

Third: The development of the organizations and institutions of civil society on both the national and regional levels in Africa will set the structural basis for achieving integration on all levels.⁶ All development initiatives, and attempts at African rehabilitation, must spring up from civil society. The vision from above characteristic of the colonial, and even the post colonial state in Africa, is no more valid in this era of globalization, which opens the way for private interests that go beyond family and state. Thus, the issue we propose to discuss is the dialectic relation between the development of civil society, and the realization of regional and continental integration of Africa. This involves the issue of the roles and interactions between civil society and the state on the one hand, and the international and regional context, on the other.

⁴ NAQD, Mohammad Ibrahim (2003), “Arab Civil Society may become a False Witness”, (in Arabic), *Al-Bayan*, 14th May 2003.

⁵ About Arab historical experience, see: KAWSRANI, Wagih (2003), *Civil Society and State in Arab History*, (in Arabic), Seminar on Arab Civil Society..., op. cit. pp. 124-128. On African historical experience, see: MAKUMBE, John MW (1998), “Is there a Civil Society in Africa?”, *International Affairs*, Vol. 74, N° 2, April, p. 305.

⁶ GHARAIBAH, Mazen Khalil (2002), *Civil Society and Integration, a Study on the Arab Experience*, (in Arabic), Abu Dhabi, Emirates Center for Strategic Research, N° 75.

Thus this study is based on the premise that the existence of a real Civil Society, independent of both State and Family, and based on the concepts of civilization and tolerance, will lead to full integration on all national, regional and continental levels.

Thus, we shall subdivide our study into two main sections:
First: Defining Civil Society in Africa, and the Arab World;
Second: The State and Civil Society;

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Defining Civil Society in Africa, and the Arab World;

Any observer of recent Arab thinking will note that the concept of Civil Society began to occupy a considerable amount of Arab thought starting from the 1990's. Before, that it was common to study the State and Society in general without the qualification "Civil". Yet none of these studies tried to go into the theoretical origins of the concept of "Civil Society", or its relevance to Arab realities.⁷ In African experience, the concept was related, during the same period, to the discourse on the role of the state and the issue of democratization in Africa. In this connection, the concept of civil society, replaced the old framework related to the centralized African State.⁸

It remains, however, to find out, the reasons behind this prevalent presence of this concept in both Arab and African circles in this final decade of the 20th century. We may point out to four types of reasons for the reemergence of the concept of civil society, and these are:

Reasons attributed to ideological orientations or fashion

Many Arab and African intellectuals follow closely any new trend in vogue in the West, so, when the West talks about modernity and the construction of the National State, this topic takes priority in

⁷ See for example: IBRAHIM, Saad Ed-Dine (Ed.), (1988), *Society and State in the Arab Homeland* (in Arabic), Beirut, Arab Unity Research Center, and AL-HERMASI, Mohammad Abdel- Baqi (1987), *Society and State in the Arab Maghreb* (in Arabic), Beirut, Arab Unity Research Center.

⁸ LABUSCHANGE, Pieter (2003), *Revisiting Civil Society in Africa*, African Studies Association of Australia and Africa, Conference Proceedings on a Global Stage.

our political agenda. The same takes place when globalization and the new World Order become the main topic in the West, and we follow suit. So it is with the concept of "Civil Society". If it was legitimate, a few decades ago, for some of our intellectuals to raise doubts about the feasibility of building Socialism in backward Countries like our own, it is just as legitimate, as Mohammad Abed El-Gabry says, to cast the same doubts about applying Neo-Liberalism in backward countries.

Within this Neo-Liberal framework giving prominence to civil society, we can distinguish between two trends⁹:

The first adopts the ideologies of global capitalism – despite the contention of the demise of all ideologies – which explains the close relationship between globalized scientific institutions in the Countries of the center, and some compliant centers in the peripheries.

The second, takes a firm stand against the autocratic regimes in Africa and the Arab World, and tries to strike a balance between the state and civil society.

Reasons related to the weakening of the role of the State

It is no surprise to note the diminishing role of the Arab and African State by the end of the 1990's. From an essential central role played by Arab states in the 1950's and 1960's, and by African States in the 1970's and 1980's, we saw a distinctly diminishing role in the 1990's. This spurred the emergence of organizations of civil society to fill the gap, and replace many of the functions abandoned by the State, in response to the slogan "Less state, more society". In a study in 1992, Woods notes the prevalent use of the concept of "Civil Society" in contemporary African studies, and the probability of the emergence of new forms of political participation outside the framework of the official state structures.¹⁰

It is not paradoxical when in the same year, 1992, the first major study on civil society in the Arab World, and its role in achieving democracy was issued. This was the outcome of a symposium organized by the center for Studies on Arab Unity in Beirut, and edited

⁹ HANNA, Abdullah (2002), *Civil Society in the Modern Arab State* (in Arabic), Damascus, Dar Al-Mada Publishers, p. 17.

¹⁰ WOODS, D. (1992), "Civil Society in Europe and in Africa: Limiting State Power through a Public Sphere", *African Studies Review*, Vol. 35, N° 2, September, p. 77.

by Dr. Saad Edin Ibrahim, who published another book on: Civil Society and Democratization in the Arab World in 1993.¹¹

International Reasons

Some developments on the global level enhanced the role of civil society. The deep changes that pushed most Countries into adopting neo liberal policies, prompted many scholars to defining them as “globalization of democracy”.¹² They also link the international upheavals like the fall of the communist block, and the pressures exercised by the donor countries with the rise of African Civil Society. Many donors and intellectuals in the West believe that the support of organizations of civil society world-wide helps propagate the values of liberalism and democracy.

On the other hand, the series of UN international conferences such as the Earth Summit in Rio in 1990, the Conference on Human Rights in Vienna in 1993, the population Summit in Cairo in 1994 and the Women’s Rights in Beijing in 1995, were instrumental in widening the scope of action of civil society organizations. These organizations were invited to convene before the official summit, and thus their voice was heard at the summit. This helped the emergence of a network of civil society forces on the international arena, where civil society is henceforth closely linked with the globalized research agenda.

Motives of an Academic and Analytical Nature

Quite a few Arab and African intellectuals and researchers, who oppose the unbridled onslaught of imperialist globalization, conceive the concept of civil society as a field of research different from their former interest in the state and its development. They consider civil society as a new framework for a new sphere of interaction with the state, which helps both parties recognize each other’s role as partners in a common enterprise.¹³ Thus we may have “more state and more society”, and the subject of research becomes: Is there a difference

¹¹ HANNA, Abdullah (2002), *op. cit.* pp. 14-15.

¹² DIAMOND, L. (1993), “*The Globalization of Democracy*”, in STETER, R. et. al. (Eds), *Global Transformation and the Thied World*, Boulder, Lynne Rinner.

¹³ HANNA, Abdullah (2002), *op. cit.*, and also: KASFIR, Nelson (Ed), (1998), *Civil Society and Democracy: Critical Perspectives*, Frank Cass and Co.

between civil society in Africa and its counterparts in the West? Who can stop the State from exceeding its proper authority? Why is it difficult for African Civil Society to stand in the face of the State and stop it from exercising oppression and from overstepping its contractual obligations?

Definition of Civil Society in Arab and African Experience

It is clear that the definition of civil society in Africa and the Arab World was influenced by the traditional toquevillian point of view about the concept. Schmitter, clearly defines Civil Society as follows:

A system or group of self organized intermediate associations that:

1. Enjoy relative independence of both public authorities, and private production units, i.e. family units and enterprises;
2. Are capable of undertaking common actions to express and defend their interests;
3. Do not try to replace the state mechanisms, or accept to assume the responsibilities of government in general;
4. Accept to operate within previously agreed rules that are civilian in nature, and based on mutual respect.¹⁴

Saad Edin Ibrahim follows the same lines and defines Civil Society as:

All non governmental, and non hereditary organizations that occupy the public domain between Family and State, and are constituted by the free will of their members in order to promote a common cause or interest, or express a common point of view. They shall observe the values of due respect, compromise, tolerance and the peaceful management of diversity and disagreement.¹⁵

¹⁴ SCHMITTER, Philippe C. (1997), *"Civil Society East and West"*, in DIAMOND, Larry et. al. (Eds), *Consolidating the third Wave Democracies: Themes and Perspectives*, Baltimore, John Hopkins University Press, p. 240.

¹⁵ IBRAHIM, Saad Ed-Dine (1999), *Civil Society and Democratic Transformation in the Arab Homeland, (in Arabic)*, Cairo, Dar Qibaa.

However, this restricted definition of the concept of civil society, was much criticized by both Western and African authors.¹⁶ Thus, Ekeh has warned against transplanting the concept with its western interpretations to the cotemporary African context. Similarly, the literature of North Africa is replete with criticism of this concept either from an Islamic, or leftist secular point of view. All these critics call for an extension of the concept to include distinct Islamic and African forms of community that do not strictly take the form of political parties, or trade unions or associations, but have their own modes of interaction, and their particular conditions of existence.

It is clear that the traditional concept of civil society includes an eclectic and an exclusive logic, which led many scholars to conclude that civil society does not exist in Arab or African societies, But such a conclusion can also be extended to all concepts borrowed from Western modes of thinking. However, this ambiguity of the concept appears even in western literature about the subject, where the only point of agreement is that civil society is the public space extending between the Family and the State. Then one finds widely divergent views about those elements that exceed the family and the private enterprise, and hence make up Civil Society.

Definition of the Concept in Africa

Some authors tried to divest the concept of some of the values and paradigms it contains in order to make it fit racial, or ethnic, or other groups that are generally excluded, or only mentioned in passing, in the common literature about civil society. Thus they pointed out to the necessity of reverting to the concept of civil society, for a better understanding of the relationship between state and society within the particular historical and civilizational context of these societies.

The challenge facing researchers of African society is to adapt the western origins of the concept, and its analytical effectiveness, to suit the thorough understanding of the communal and cooperative life styles encountered in contemporary Africa. In this connection, Orvis states simply that civil society is any "public space including independent collective activities, official or otherwise, and recognizing the legality of the State".¹⁷ This definition clearly widens the scope of

¹⁶ ORVIS, Stephen (2001), "Civil Society in Africa, or African Civil Society?", *Journal of Asian and African Studies*, Vol. 36, N° 1, p. 17.

¹⁷ *Ibid.* p. 21.

civil society to include many political activities, traditional or modern, and it also meets the traditional western interpretation of the concept.

The condition that the activity be collective, makes the concept include all kinds of organizations including more than one family, or enterprise, whether officially or unofficially, and whether they are politically active or not. However the definition does not specify which official organizations, and unofficial associations may be included in civil society. This omission may stem from the desire to leave it as subject to research. On the other hand, civil society should be independent from the state, so that the state cannot interfere in its organization or activities. Such independence, however, does not prevent civil society from recognizing the legality of the state, and that it is no substitute for it, and may even fulfill some of its obligations. Orvis even argues that ethnic groups, and patron/client networks may constitute a major component of African civil society. Even though they do not comply with democratic standards in the western sense, they enjoy a certain degree of independence from the state, and provide means for political participation and accountability. It is possible to mobilize many adherents to achieve certain political aims. Sufi communities in Senegal are an example of patron/client networks, as they present mass claims to the state, and in exchange, the state relies on them to gain political support in rural areas, despite the fact that the ruling elite is secular, and tries to gain mass political support directly and without intermediaries. Of course, the Sufi communities rely on their religious rites to maintain their institutional cohesion, and the loyalty of their adherents.¹⁸

In many rural regions of Africa, ethnic communities constitute another example of African Civil Society, as they enjoy a certain degree of independence from the state. They generally strive to fulfill local communal needs such as local schools and health care centers, besides communicating local demands to the state.

In certain cases traditional authorities such as the councils of elders in Kenya and Somalia, may be considered as making part of civil society confronting the modern State.

¹⁸ For more details on Sufi Orders in Senegal, see: KEDDIE, Nikki R., (1986), "Senegal: the Islam of Sufi Orders", *The World and Islam*, N° 8, pp. 182-187.

The State and Civil Society Development and Dialectics of the Relationship

It is to be noted that the ideological and theoretical debate concerning issues of social evolution and development in the African North, was generally state centered, and relied heavily on theoretical concepts such as Bureaucratic Authoritarianism, Oriental Despotism and the Asiatic Mode of Production. For some considerable time the State seemed formidable enough to have subdued Society through its authoritarian mechanisms such as the Military, the Security Institution and the centralized economy.

There is no doubt that most of the structural changes that took place in Egypt since the 23rd July Revolution were operated from the top of the political pyramid and not as an expression of a mass movement. The same holds true for the restricted political diversity in the Sadat period, or the controlled liberal policies in the Mubarak regime. The controlled mode of change from above, conforms with the Pharaonic Political System described by Gamal Hemdan. The Ruler or Head of State in Egypt always enjoyed unlimited authority that borders on deification, and the legal and constitutional framework of the Egyptian State endorses this situation from 1971.¹⁹

In Morocco, the term “Makhzen” symbolizes the authority of the State confronting the subservient Society. Originally the word “Makhzen” denoted the place where taxes in kind were stored, then it evolved to become the “System of Makhzen”, to denote all those who recognized the authority and legality of the Central State, and the legality of the governing Elite in control of the Makhzen. As for the tribes and communities that did not recognize the tax system of the Makhzen, even if recognizing the legality of the system, they were relegated to the concept of the “Land of Seba” which meant they were insurgent, or outside the ruling Makhzen system.²⁰

No wonder then that political Pharaonism, and the Makhzen system, should endorse the authority of the oppressive State over the

¹⁹ HASSAN, Hamdy Abdel Rahman (Ed), (2000), “Democratic Transformation in Egypt” (in Arabic), in *Democratic Transformation in the Arab World during the Nineties*, Al-Mafraq, Al Albeit University.

²⁰ AL-ZAGHAL, Abdel Qader, (2003), *Civil Society and the Struggle for Hegemony in the Arab Maghreb* (in Arabic), Seminar on Arab Civil Society..., *op. cit.*, pp. 456-457.

weak and acquiescent Society. This makes it necessary to achieve a “second liberation” to accomplish the aims of the “first liberation” from colonialism. We note that the limited reforms introduced to the mode of bureaucratic authoritarianism in Countries like Egypt, Algeria and Tunisia, were carried out by the governing Elites, under strict control. Thus the concept of Power Alternation is not consensual, and in Egypt, it looks very ambiguous, especially after the introduction of the constitutional amendment, which practically perpetuated the period of the presidency to lifetime.

We shall attempt in what follows, give an account of the dialectical relationship between State and Civil Society in some countries of the African North:

I. The State and Civil Society in Egypt

The Egyptian experience of the development of Civil Society, which extends over a period of almost two hundred years, gives a distinctly different picture from that of other Arab or African Countries. The first inception of Civil Society in its modern form, took place as early as the year 1821, and has since, gone through 5 phases as follows²¹.

1) First Inception (1821-1881)

The first inception of civil society in Egypt came as a result of the changes that accompanied the modernization project at the beginning of the 19th century. The increased number of students, under the rule of Mohammad Ali, as well as the emergence of a national bourgeoisie, created a working class, and a middle class of professionals. It was only natural for these classes to demand their right of association, and some such organizations were created to speak for the new middle class. However, this initial phase did not manifest any confrontation with the State, but rather there was some sort of complementarity in the functions of both parties. Indeed some of the

²¹ ABDEL RAHMAN, Maha (2002), “The Politics of Un-Civil Society in Egypt”, *Review of African Political Economy*, Vol. 29, N° 91, and: KAMEL, Mustapha (1995), “A Civil Society in Egypt?”, in NORTON, Augustus Richard (Ed) *Civil Society in the Middle East*, Vol. 1, New York E. J. Brill, pp. 269-293. See also: TEWFIK, Hassanein (2000), *State and Development in Egypt, Political Aspects: Comparative Study* (in Arabic), Research Center on Developing Countries, Cairo University.

founders were high functionaries or members of the Royal Family who had traveled to Europe and tried to transfer the European experience to Egypt.

2) The Colonial Phase (1882-1922)

During this phase, civil society organizations took a stand of confrontation with the colonial State in defense of the interests of the Egyptian citizens. Thus there was a proliferation of modern, voluntary organizations. Thus, appeared the first trade unions (1898), the cooperatives (1908), political parties (1907), chambers of commerce (1910), professional associations (1912) and the feminist movement (1919).

3) The Liberal Phase (1922- 1952):

This phase was marked by the adoption of the Constitution of 1923, which was, in view of the times, one of the most liberal constitutions, as it guaranteed a number of rights and basic freedoms, such as the right of association and expression. This prompted the Colonial Power and the Throne to strive to get rid of this constitution by suspending it or abrogating it completely.

This Phase witnessed a flourishing of Civil Society, with the publication of more than 80 daily Newspapers, as well as weekly and monthly magazines, both in Arabic and European languages. The main discourse of civil society during this phase, concentrated on claiming transparency and accountability of government, and free elections, and rights of working class unions. An end was put to this phase by the Movement of the Army on July 23rd 1952, which ushered a new phase of development of both State and Civil Society in Egypt.

4) The Nasserist Phase (1952-1970)

This phase was marked by concentration of power in the hands of the State, which imposed its authority on organizations of civil society. During this phase, 6 constitutions or amendments were promulgated all by Presidential Decrees, with the exception of the constitution of 1956, which was approved by referendum. All these constitutions led to a concentration of authority in the hands of a small governing elite led by Nasser. This was shown by the lack of balance

between the authorities, as the Executive Authority assumed tremendous power over both the Judiciary and the Parliamentary.

In short, the Nasserist State contained the organizations of civil society by developing a corporatist populist regime. The working class movement was subject to a number of special mechanisms and policies, such as the abolition of trade unions and the imposition of one trade union for each trade, as well as the formation of one Federation of Trade Unions, with the aim of controlling and dominating all working class activities. The State imposed its domination on all civil society activities through the Law enacted in 1964, which gave the Administrative Authority the right to refuse the creation of any civil association, or the dissolution, or amalgamation of such associations without recourse to the Judiciary. Student or Feminist movements were subject to similar restrictions imposed by the populist State.

5) The second Inception (1974-)

This phase came with the policies of the open-door policies, which heralded the advent of a market economy and a multi party system. Although the decision to create several parties was a decision from above, taken by President Sadat, yet it was in response to the desire of many social forces. We may conclude that this phase saw the second fumbling inception of organized Egyptian Civil Society, and slow development of those organizations. Such organizations had a much wider scope of action, while the State continued with the policy of containment of civil society organizations by various means.

The Organization of Civil Society in Egypt Today

By the end of 1998, there were some 27000 civil society organizations in Egypt, which corresponds to one for every 2300 persons of the population. The total membership of these organizations amounted to 23 million individuals. However, mere numbers do not give the true picture of the relationship between the State and Civil Society, especially as some organizations may be ineffective and exist on paper only, while there is some doubling of membership between more than one organization (see table 1). This makes it necessary to study the different characteristics of the various types of civil society organizations.

Organizations of Civil Society in Egypt (Nineties)

Type of Organization	Number	Membership
1. Private Voluntary Organizations, including:	14.700	4.250.000
Social Welfare Associations	6.682	2.800.000
Cultural and Scientific Associations	4.306	350.000
Social Development Associations	3.521	1.100.000
Institutions	191	10.000
2. Clubs, including:	6.020	300.000
Social	931	50.000
Athletic	1.079	50.000
Youth Centers	4.010	200.000
3. Cooperatives, including:	5.600	1.250.000
Consumers	1.300	650.000
Services	1.800	50.000
Producers	2.900	100.000
4. Syndicates, including:	89	7.030.000
Trade Unions	23	4.000.000
Professional Syndicates	23	3.000.000
Businessmen Associations	8	25.000
Civil Enterprises	35	5.000
5. Social Movements, including:	138	200.000
Human Rights	31	5.000
Feminist and Gender	15	60.000
Environment	34	10.000
Other	58	50.000
6. Non Government Press, including:	33	
Opposition Parties Press	14	400.000
Independent Press	19	400.000
7. Political Parties	14	3.000.000

Source: Draft country report by Saad Eddin Ibrahim, Huwaida Adly and Dina Shehata to the 2nd International Conference "Civil Society and Governance Programme" held in Cape Town, February 18-21, 1999

The State and Political Parties: Although the multiparty law was promulgated in 1976, yet its statute was only issued in July of the next year. This Law and its many amendments, instituted many restrictions and limitations on Parties functioning in Egypt. According to the ballot on March 26, 2007 Article (5) was amended to prohibit the establishment of any religious party “The political system of the Arab Republic of Egypt is a multiparty system, within the framework of the basic elements and principles of the Egyptian society as stipulated in the Constitution. Political parties are regulated by law. Citizens have the right to establish political parties according to the law and no political activity shall be exercised nor political parties established on a religious referential authority, on a religious basis or on discrimination on grounds of gender or origin”. Although the creation of many new parties, bringing the total number to 24 Parties, this does not mean the existence of a real multiparty system.²²

Here we would point out to the following:

1. The Political Party Committee, which is governmental in nature, being headed by the president of the Shura Assembly, and having as members three government ministers and three judges, all appointed by Government, has hampered the emergence of serious parties. It accepted two applications only, the first was that of Al-Umma Party in 1983, and the second was the National Conciliation (Al-Wifak) Party in 2000. All other parties had to revert to the courts to obtain the license to undertake political activity, and this highlights the role of the Judiciary in establishing the system of political parties in Egypt.
2. The governing National Democratic Party (NDP) is the State Party in Egypt, being the Party of the President of the republic, and reflects the inter mingling between State and Party. Many studies refer to it as a smothering party.²³
3. The opposition parties are very weak, and only a handful exercise a limited political influence. The remaining parties are

²² AAREF, Nasr Mohammad (2003), “The Crisis of Political Parties in Egypt: A Study on Problems of Existence, Legality and Function” (in Arabic), *Strategic Notebooks Series*, Vol. 13, N° 132, 2. See also TEWFIK, Hassanein (2000), *op. cit.* pp. 273-276.

²³ HASSAN, Hamdy Abdel Rahman (1994), “Performance of the Peoples’ Assembly” (in Arabic), in KARBOOSH, M. S. (Ed), *Political Development in Egypt*, Cairo, Center for Strategic Studies.

simply hollow structures devoid of any content, some of which may have as little as 100-400 members in a Country of 70 millions.

4. Many opposition Parties rely on Government subsidies, or on their newspapers, which undermines their credibility, or even their independence vis-à-vis the State.
5. The dialogue between opposition parties and Government revolves around demands for political reform through amending the constitution, abrogation of the Law of exception, and other freedom restricting laws, the relinquishing of the head of state of his membership of the NDP, so as to contradict the condition of State/Party or the State of the Party.

The Syndicates, Trade Unions and Interest Groups

Civil Society in Egypt shows a proliferation of interest groups such as Professional Syndicates, workers' Trade Unions, Businessmen Associations and some Civil Enterprises representing certain private interests. There are 89 such organizations, with an aggregate membership of some 7 millions. However, the relation of the State with these bodies is rather ambiguous. In the case of Trade Unions it amounts to a relation of Patron/Client, as the General Trade Union is simply a State run organization. Although the right to strike is recognized in democratic regimes, the Egyptian State resorts to security measures to oppose any attempt to exercise this right by the workers who suffered a lot due to the Structural Adjustment Policies pursued by the Egyptian Government.

In the case of Professional Syndicates, the State had to face a serious challenge from the Islamic currents, which grew strongly in the Syndicates of Engineers, the Medical Profession and Lawyers. The State resorted to the legislative arm to counter this growing threat, by promulgating Law 100 in 1993, which Law was prepared and issued in just three days!

The limited number of Businessmen Associations and their scant membership, did not hamper their acquiring much influence starting from the late seventies, as the Egyptian State reverted to Liberal Policies and Privatization. One notable such organization is the Egyptian American Council created by Presidential Decree in 1975. Other such prominent organizations include the Egyptian Businessmen

Association created in 1977, the Economic Committee for Alexandria Businessmen in 1983, the Association of Investors of 10th Ramadan City in 1986, and the Association of Investors of 6th October City in 1986. The powerful influence of these Businessmen's Associations could be attributed to the following:

- There is no opposition between them and the State because they share the same political and ideological tendencies concerned with Liberalization of State and Society
- The small number and membership of Businessmen Associations made for better coordination in defense of their common interests.
- The similarity of their interests meant a greater degree of cooperation rather than conflict and antagonism.
- These Associations enjoy a great degree of independence from the State, and enjoy financial security, due to the affluence of their members.
- They enjoy certain foreign support that transcends their legal status.

Maybe, the strong influence of these Associations on the economic policies of Government is due to the fact that they do not make demands for political reforms or other such contentious issues.

The State and Civil Associations

The first voluntary private associations appeared in Egypt on the eve of the 19th century, but their number grew considerably during the last two decades of the 20th century. In 1998, there were 14600 such associations, whose activities cover the economic, social, cultural and development spheres. There are two important issues that need to be studied regarding the relationship between the State and these associations:

First, the State has striven since 1964 to dominate these associations through the supervision of the Ministry of Social Affairs, imposed by the law which invests the Ministry with the right to refuse to register any new association, and to dissolve any existing one, which gives the State full control.

Second, the associations belonging to the Islamic trend, or

dominated by Islamists are the most effective and active compared to the rest of civil associations. As Egyptian Islamic movements are banned by law from political activities, they try to infiltrate civil associations as a means of reaching public opinion, and mobilizing mass support.

One reason for the recourse of the State to confrontation with civil associations and the use of legal action to suppress them may be the apprehension of the domination of such associations by the Islamists. The Islamic trend has long exploited the religious fervor of Egyptian Society to mobilize the people in the name of religion. It also relies heavily on the financial means at its disposal.

The State and Human Rights Organizations, and Social Movements

The 1980's saw a steady increase in the number of Human Rights organizations and Social Movements in Egypt due to the wider margin of democracy during the regime of President Mubarak. It is estimated that there are 138 association or social movements presently active in Egypt, whose activities range from the defense of human rights, to the environment, gender issues, and cultural and educational issues. These associations and movements demonstrate the following characteristics:

1. Many of these organizations that militate in defense of rights and other issues are elitist in nature, and do not reflect the deeper way of thinking of the masses in Egyptian Society. Proof of that, most of these organizations are located in Cairo and Giza.
2. Some of these organizations have secured strong financial status, which gives them independence in relation to the State, but casts doubts about their independence vis-à-vis their foreign donors.
3. The relationship with the State varies according to the type of activity, those engaged in activities encouraged by the State such as the environment, or economic and social development, enjoy a high degree of independence and freedom of action. However, those engaged in the defense of issues of human rights, and political reform, were confronted by the full force of the State through its security mechanisms. Such organizations are prone to surveillance and dissolution, or at best, routine security incursions and harassment, hence, their effectiveness is reduced.

II. State and Civil Society in Tunisia

Tunisia's importance is due to several considerations:²⁴

1. Tunisian citizenship comprises a common political space that developed an active civic culture. Tunisian society is highly homogeneous (98% of the population are sunny Moslems, and the old Berber racial divide has long been overcome), and had achieved its political identity before the geographic border lines laid down by French colonialism.
2. Tunisia has developed a civil/military relationship ensuring that the Military Establishment is subject to the Civil Authorities. Thus the Ruling Party retains full authority, and is under no threat from the Military.
3. The Tunisian modernity project established a solid cultural and educational base, as shown by the existence of a well-educated middle class. Thus, there exists a type of good citizen capable of developing a mature concept of civil society, and making effective use of democratic institutions.
4. Tunisia was among the first Arab Countries to abandon the slogan of Arab Socialism, and adopted liberal economic policies favoring the role of the private sector in trade and industry. Thus the State has opened the way for economic spaces independent of its control, and working alongside it.
5. The Tunisian State has given free reign to the development of Civil Society, especially from the 1980's, which witnessed a variety of organizations of civil society. However, the State holds full reigns of power, and leaves no scope for peaceful rotation of power. This hampers the development of civil society, and negatively affects the normal flow of economic reforms, and restricts civil liberties and trade union activities.

The Bourguiba Phase

Bourguiba managed to gain control over political life in Tunisia through the action of his Neo Destour Party. Through his control over

²⁴ BELLIN, Eva (1995), *Civil Society in Formation: Tunisia*, in NORTON, *op. cit.*, pp. 120-147.

the State resources, he controlled the political elite and eliminated the recalcitrant elements that called for political reform. He even banned all opposition political parties in 1963, a move, which seemed to follow the political trend then in vogue in the region, of the one-party system, which allegedly, was more conducive to National Unity.²⁵

This hegemony was extended to cover society as a whole when Bourguiba decided to impose his authority on all trade unions, professional syndicates and other associations. It is to be noted that post independence society in Tunisia was dominated by three distinct ideological currents: the triumphant National Bourgeoisie that led the liberation struggle; the General Federation of Trade Unions, with its important national role under the leadership of Ferhat Hachad; and the reformist Zeitouna trend led by Sheikh Bin Aachour. Bourguiba first came to an agreement with the Trade Unions in order to build a modern State, thereby he managed to marginalize the Zeitounia from the outset.²⁶

Thus, corporatism was the choice of the regime as the president tried to contain all major organizations and social forces. However, to face the increase in popular demands for reform, President Bourguiba got rid of the opposition within his party and made his supporters declare him president for life in the Party conference of 1974.

As the late seventies and the eighties witnessed the reduced development role of the State because of reduced resources, and the failure of the development strategies, the traditional alliances between the State and certain sectors of society, began to wither away. Thus, the regime had to face increased opposition from the trade unions, on the one hand, and the Islamic trend, on the other hand. It all ended in a bloodless coup in 1987.

The Bin Ali Phase

This change from above, resulted in a new dynamism, and gave an impetus to civil society. The new Party Law permitted the creation

²⁵ For more details on the State and its relation with Tunisian Society in the Bourguiba era, see: AL-ZAGHAL, Abdel Qader (2003), *op. cit.* pp. 450-453, and, AL-HERMASI, M. (1987), *op. cit.*, and, KIRO, Mohammad (1987) "*Intellectuals and Civil Society in Tunisia*" (in Arabic), *Al-Mostaqbal Al-Arabi*, N° 10, 1987, pp. 46-60.

²⁶ AL-TAMIMI, Abdel Aziz (2002), "Civil Society: Transformation and Utopia" (in Arabic), *Aqlam Magazine*, N° 5, July.

of opposition parties provided they were not based on religious, linguistic or communal lines.

In this context, the Neo Destour Party changed its name to become the Democratic Destour Assembly, but did not sever its ties with the organisms of the State, in a situation similar to that of Egypt, in which it became a smother party. But the regime reduced significantly the restrictions previously imposed on Civil Society, and the President gave instructions to ease the red tape governing the issue of licensing such organizations. The result was a great expansion in the number of Tunisian civil society organizations starting from the late eighties. These organizations now cover a wide range of activities, such as the preservation of the environment, and the defense of women's interests and consumer interests.

However, the Tunisian State fell into conflict with civil society as manifested by the case of the Tunisian Society for Human Rights, which had criticized severely the treatment of political prisoners, especially Islamist activists. This conflict, led the Government to amend the Associations' Law, and thereupon to ban the Tunisian Society for Human Rights. Under international and domestic pressure, however, the regime had to rescind its ban, and let the Society resume its activity, but under strict surveillance.²⁷

The Tunisian case is an example of the beleaguered Civil Society in North Africa, where the various States take rather ambiguous stands towards its organizations. The Tunisian Leadership has adopted certain strategies designed to tighten its dominance over civil society organizations, foremost among which are: ²⁸

- i. Penetration Strategy, whereby the regime mobilizes members of the Ruling Party to participate in civil society organizations, and tries to control them from within. This meant an influx of Ruling Party partisans into the organizations of civil society, or even founding new ones in order to maintain the control of the regime.
- ii. Parallel Organization Strategy: The Tunisian Regime tries to restrict the effectiveness of civil society organizations, especially those concerned with the defense of rights (like human rights),

²⁷ BELLIN, Eva (1995), *op. cit.* p. 138.

²⁸ *Ibid.*, p. 140.

by creating parallel organizations under the auspices of the State, in order to contain such organizations that present a challenge to the State.

- iii. **Suppression Strategy:** This is the last resort whereby the State makes use of its coercion and security mechanisms to contain independent organizations. A flagrant example of this strategy is the policy adopted by the Regime in its stand against the threat posed by Islamic forces since 1989.

Conclusion: Development Problems of Civil Society in North Africa

The most prominent problems that confront the development of both State and Civil Society in North Africa are:

The Personalization of the Regime: The Individual Ruler, whether President, or Leader of a popular revolution, or Religious Imam, is always the focus of the political regime. This is the rule in all Countries of the African North, as Pharaonic political traditions convey a halo of sanctity on the Head of State who monopolizes authority in accordance with the constitutional framework in most of these Countries. Enough to point out that the problem of political succession has become a most sensitive issue that cannot be aired in public, and is cause for general disapproval. In the Maghreb, we find a clear example of the central role of the Royal Institution based on traditional religious premises. According to one researcher, the new Mekhzen policy of post independence, concentrates all power in the hands of the central Authority, while de facto marginalizing all other political actors especially the opposition emanating from the various National Movement groups. On the other hand, it gives more weight to the traditional rural leaderships as a pillar of the Royal Establishment, together with tight control of the bureaucratic organisms.²⁹

Militarization of Politics: The Military Establishment in general, remains the main political support of the ruling regimes in North African Countries, and these Regimes often resort to the coercive means at their disposal to suppress any serious threat emanating from any

²⁹ BARRADA, Younis (2003), "Partisan Action and the Question of Democracy in Morocco, A Reading in the Political Nature of the Political System in Morocco, and Partisan Practice" (in Arabic), *Study of Democracy in the Arab World*, the Thirteenth Annual Meeting, 30/8/2003.

political force demanding real change. We may here refer to the Tunisian response to the threats of the Islamic trend,. Also we cannot forget the role played by the Army in Algeria since its intervention to annul the results of the elections back in 1991, when the Islamic Salvation Front won the first round of the elections. The participation of the Military in politics is a real impediment to the natural development of democracy, and a real threat for the future of civil society. Thus, for a secure development of the social forces and movements aspiring to get rid of the coercion of the State, and to maintain a healthy degree of balance between State and Society, the Military must be limited to their original task of securing the borders of the Country. This, I believe, is one of the most serious challenges facing the democratic development of the North African Countries.

Bureaucratic Constraints: In spite of the expansion of the civil society movements in most North African Countries, they still have to endure many legal constraints. For example, the Arab Organization for Human Rights, based in Cairo, is not officially recognized by the Egyptian Government. In Algeria, the Government imposed its control over the National Monitor for Human Rights, and transformed it into a government institution. Thus, the Governments of these two Countries, as well as Tunisia, resort to legal action to contain civil society and keep it always under their control.

Movements of Political Islam: Although Political Islamic Movements are considered to be part of civil society, yet sometimes they challenge the development of this society because they are not truly "civil". Suffice it to mention what took place in the Sudan where the Islamic Front split the unity of the professional syndicate movement by creating an Islamic association in each of the professional syndicates, such as the Association of Islamic Lawyers, or Islamic Doctors, etc.³⁰ However, the problem is caused by the Islamic ideological trends that challenge the legitimacy of the State, and call for the application of an "Islamic Regime" as prescribed by their ideologues. We have no quarrel with Islamic Heritage as such, since many Ulama and Islamic clerics have played a prominent role in the national struggle against colonialism, such as Prince Abdel Qader who led a coalition of several social forces against the French Colonizer. Nor do we oppose Islam, which is one of the main repositories of the collective memory, but we

³⁰ MOSLEY LESCH, Ann (1995), "The Destruction of Civil Society in the Sudan", in NORTON, A. R. (Ed), *Civil Society in the Middle East*, op. cit. pp. 153-192.

oppose its misuse for the sake of marginalizing of the other, and hence negating him, as this leads to the negation of civil society itself. This is the main challenge in the Countries of the African North, especially in those where the Islamic current played a prominent role such as in Egypt, Tunisia and Algeria.

Economic Constraints: To guarantee the independence of the organizations of civil society, they must be provided with enough financial means, which is not the case for most of such organizations in the African North. This exposes such organizations to the exploitation by either their Governments or by Foreign Donors. This makes it imperative for private donors to provide the necessary financial support to secure the independence of civil society organizations. On the other hand, the issue of foreign support, in particular to those engaged in the defense of human rights may cause much tension with the local Governments as was the case with Professor Saad Ed-Dine Ibrahim, the director of the Ibn Khaldoun Center for Development Studies who was prosecuted and jailed by the Egyptian Authorities.

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